APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,169	06/21/2001	Mark G. Thomas	80-00	6354

7590 08/26/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2154	

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DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/886,169	THOMAS, MARK G.
	Examiner	Art Unit	
	Nicholas A. Martin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *6/21/2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *6/21/2001* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.   Claims 1-19 are presented for examination.

Drawings

2.   The drawings are objected to because each part of the invention is not identified with a number, letter or reference character. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Message B Header; Message B Body (Figure 1).

4.   The drawings are objected to under 37 CFR 1.83(a) because they fail to

show the destinations of messages stored in "the other secondary queues" as

described in the specification on page 12, first paragraph (referenced in Figure 2).

Any structural detail that is essential for a proper understanding of the disclosed

invention should be shown in the drawing. MPEP § 608.02(d).

5.   The drawings are objected to because of the following informalities: the

second secondary storage components in Figure 3 contain what is seen as a

typographical error. The first and second queues are both labeled "Queue 2c".

For the remainder of this examination the first queue will be seen as "Queue 2b".

Appropriate correction is required.

Specification

6.   The disclosure is objected to because of the following informalities:

The specification is not numbered. The lines should be numbered so that they

can be referenced in accordance with related material.

7.   On page 10, first paragraph, it states, "...Proscribed Code Scanner",

should be proscribed code scanner.

8.   On page 13, second paragraph, every time transfer component and

proscribed code scanner are mentioned, they should not be capitalized. These

typographical errors should be corrected throughout the entire specification.

9.   On page 14, first paragraph, "Destination A... Destination B" are not

mentioned or shown in the drawings.

        Appropriate correction is required.

Claim Objections

10.   Claim 9 is objected to because it claims dependency to claim 1 where it is

assumed to be a typographical error. For the remainder of the examination

claim 9 will be seen as claiming dependency to claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

11.   Claims 4, 11 and 18 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

a.   The following term lack antecedent basis:

i.   code groups – claim 4, line 3.

ii.   sendmail process – claim 11, line 2.

b.   The claim language in the following claims is murky or not

clearly understood:

i.   As per claim 4, it is not clearly understood whether

"smaller stored... larger stored and forwarded code groups" refers to the size of

the code or the storage component.

ii.   As per claim 18, it is not clearly understood whether

"An article for" refers to an article of manufacture.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Stockwell et al. (hereinafter Stockwell), US Patent 6,072,942.

13.   As per claim 1, Stockwell teaches a method for processing stored and

forwarded code, comprising the steps of:

transferring code, from a storage component, to a transfer component,

then to a proscribed code scanner (Col. 3, lines 54-57; Col. 4, lines 33-38);

indicating, via said proscribed code scanner to said transfer component,

whether said code contains proscribed code (Col. 3, lines 33-36, lines 54-57);

and,

transferring said code to at least one secondary storage component based

on said indication (Col. 4, lines 33-38, lines 54-60).

14.   As per claim 2, Stockwell teaches the method of claim 1, further

comprising the step:

transferring said code from said at least one secondary storage

component to a subsequent code transfer component (Col. 4, lines 54-60; Col. 5,

lines 5-9).

15.   As per claim 3, Stockwell teaches the method of claim 1, further

comprising the step:

sorting said code prior to transfer to said at least one secondary storage

component (Col. 3, lines 54-59).

16.   As per claim 4, Stockwell teaches the method of claim 3, further

comprising the step:

transferring code to at least two secondary storage components, with a

first of at least two secondary storage components receiving smaller stored and

forwarded code groups and a second of at least two secondary storage

components receiving larger stored and forwarded code groups (Col. 3, lines

54-59; Col. 14, lines 54-56; Col. 15, lines 21-22).

17.   As per claim 5, Stockwell teaches the method of claim 1, wherein:

said code comprises email (Col. 2, lines 16-20).

18.   As per claim 6, Stockwell teaches a method for processing stored and

forwarded code, comprising:

transferring code, from a storage component, to a first transfer

component; sorting said code (Col. 3, lines 54-57; Col. 4, lines 33-38);

transferring said code, based on the results of said sort, to at least one

first secondary storage component (Col. 4, lines 33-38, lines 54-60);

transferring said code from at least one first secondary storage component to at least one secondary transfer component (Col. 3, lines 54-59);

transferring said code, from said at least one first secondary transfer component to a proscribed code scanner (Col. 3, lines 54-59; Col. 4, lines 33-38, lines 54-60);

indicating, via said proscribed code scanner to said at least one first transfer component, whether said code contains proscribed code (Col. 3, lines 33-36, lines 54-57); and,

transferring said code from at least one first secondary transfer component to at least one second secondary storage component based on said indication (Col. 4, lines 33-38, lines 54-60).

19.   As per claim 7, Stockwell teaches the method of claim 6, further comprising the step:

transferring said code from said at least one secondary storage component to a subsequent to a subsequent code transfer component (Col. 4, lines 54-60; Col. 5, lines 5-9).

20.   As per claim 8, Stockwell teaches the method of claim 6, wherein:

the step of sorting said code further comprises sorting the code by size (Col. 15, line 21).

21.   As per claim 9, Stockwell teaches the method of claim 6, wherein:

said code comprises email (Col. 2, lines 16-20).

22.   As per claim 10, Stockwell teaches a method for processing stored and forwarded email, using sendmail, comprising:

transferring email, from a sendmail queue, to a transfer component, then to a proscribed code scanner (Col. 4, lines 18-22);

indicating, via said proscribed code scanner to said transfer component, whether said email contains proscribed code (Col. 3, lines 33-36, lines 54-57); and,

transferring said email to at least one secondary sendmail queue based on said indication (Col. 4, lines 18-22, lines 54-60).

23.   As per claim 11, Stockwell teaches the method of claim 10, further comprising the step:

transferring said email from said at least one secondary sendmail queue to a subsequent sendmail process (Col. 4, lines 18-22, Col. 4, lines 54-60; Col. 5, lines 5-9).

24.   As per claim 12, Stockwell teaches the method of claim 10, further comprising the step:

sorting said email prior to transfer to said at least one secondary sendmail queue (Col. 4, lines 13-15, lines 18-20).

25.   As per claim 13, Stockwell teaches the method of claim 12, wherein:

the step of sorting said email prior to transfer to said at least one secondary sendmail queue component further comprises sorting email by size (Col. 15, line 21).

26.   Claims 14 - 17 do not teach or define any new limitations above claims 10-13 and therefore are rejected for similar reasons.

27.   As per claim 18, Stockwell teaches an article for:

a computer-readable signal bearing medium and storage means in the medium for storing code (Col. 5, lines 22-30; Col. 6, lines 37-40; Col. 7, lines 61-66; Col. 8, lines 1-6);

transfer means in the medium for transferring stored code to a proscribed code scanner (Col. 8, lines 8-12).

proscribed code scanner means in the medium for scanning said code for proscribed code and indicating to said transfer means whether said code contains proscribed code (Col. 8, lines 5-17);

a first and second secondary storage means in the medium for storing said code based upon the presence or absence of proscribed code as indicated by said proscribed code scanner means (Col 10, lines 16-22)

28.   Claim 19 does not teach or define any new limitations above claim 1 and therefore is rejected for similar reasons.

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The following patents and publications are cited to further

show the state of the art with respect to "Apparatus, Methods and Articles of

Manufacture for Intercepting, Examining And Controlling Code, Data And Files

And Their Transfer".

i.	US 6,453,339	Schultz et al.
ii.	US 2003/0009526A1	Bellegarda et al.
iii.	US 2002/0112008A1	Christenson et al.
iv.	US 5,999,932	Paul, Sunil
v.	US 5,937,162	Funk et al.
vi.	US 5,740,231	Cohn et al.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Nicholas A. Martin whose telephone number

is (703) 605-4352. The examiner can normally be reached on Monday - Friday

8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498.

The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 18, 2004

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